

## **2. Present Species Election**

In the present Office Action, the Examiner asserts that there are additional patentably distinct species within the elected Group I claims: Species (9) and (10), represented by Claims 42 and 51, respectively, with Claims 35-41, and 43-50 identified as generic claims.

To further business interests, Applicants elect Species (10), wherein the second portion of the target polynucleotide is located immediately 5' to the first portion of the target polynucleotide, for prosecution in the event that no generic claim is found to be allowable. If one or more generic claims are found to be allowable, Applicants reserve the right to consideration of Species (9) and/or additional species.

Claims 35-41 and 43-50 are readable on Species (10).

## **3. Claims Copied to Provoke an Interference**

Applicants' Claims 35-50 have been copied in order to provoke an interference. Applicants copied claims 1-13 from PCT Appln. No. PCT/US01/09579, published as WO 01/73127 A2, ("127") and claiming priority to U.S. Provisional Appln. 60/192,606 ("606"). On May 29, 2003, a U.S. application related to the '606 application, Appln. Ser No. 09/816,150 ("150"), was published as US 2003/0099941 A1. This application contains the same claims as the '127 publication and is currently in prosecution with Examiner Jeffrey Norman Fredman, in Group Art Unit 1634 (as indicated by a search of the USPTO PAIR database on August 8, 2003).

Claims 1-13 of Appln. Ser No. 09/816,150 correspond to the Applicants' Claims 35-50, respectively, except that multiple dependent Claim 9 of '150 has been written as dependent Claims 43-46 in the present application. The claims of the present application are intended to encompass the subject matter claimed in the '150 application and to provoke an interference proceeding with the applicants of the '150 application.

Appln. No. 10/033,927  
Amendment dated February 4, 2004  
Response to Office Action of January 5, 2004



*PATENT*  
Attorney Docket No. FORS-06675

If a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

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A handwritten signature in cursive script, appearing to read "Mary Ann D. Brow", written over a horizontal line.

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